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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1583 OF 2007

Sunil Mukund Amrute & others Petitioners
versus
The CKP Co-op. Bank Ltd. & ors. Respondents

Mr.K.S.Dewal for petitioners.

CORAM : A.S.OKA, J.

DATE : 25th June 2007

PC :

1. Heard learned advocate for the petitioners. In the writ petition, the challenge is to the auction proceedings in respect of an immovable property. There is a civil application being Civil Application No.1131 of 2007 filed by the petitioners for amendment of the writ petition. It is pointed out in the said application for amendment that an application was made by the petitioners for setting aside the sale. The said application has been rejected by the Special Recovery Officer. By the civil application the petitioners are seeking to amend the writ petition for incorporating the challenge to the

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order by which the application made by the petitioners has been rejected. It is not in dispute that against the order rejecting the application, the petitioner has a remedy available to file a revision application under section 154 of the Maharashtra Co-operative Societies Act, 1960 and that remedy is not availed of by the petitioner.

2. In view of availability of the said remedy, it is not necessary to entertain the writ petition and the civil application.

3. Accordingly, the writ petition and the civil application are rejected by keeping all questions on merits of the controversy expressly open.

(A.S.OKA, J.)